

NINETY-FIFTH DAY

(Monday, June 23, 1941)

The House met at 4:30 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr Speaker	Kelly
Allen	Kennedy
Allison	Kinard
Alsup	Klingeman
Avant	Knight
Bailey	Lansberry
Baker	Lehman
Boone	Leyendecker
Browner	Lock
Bridgers	Lowry
Brown	Lucas
Burkett	Lyle
Carlton	McAlister
Carrington	McCann
Cato	McDonald
Chambers	McGlasson
Cleveland	McMurry
Coker	McNamara
Colson, Mrs.	Markle
Connelly	Matthews
Crossley	Montgomery
Crosthwaite	Moore
Daniel	Morris
Davis	Morse
Deen	Face
Dickson of Nolan	Parker
Donald	Pevehouse
Dove	Phillips
Ellis	Price
Favors	Reed of Bowie
Ferguson	Reed of Dallas
Fitzgerald	Ridgeway
Fuchs	Rhodes
Gandy	Roark
Goodman	Roberts
Hanna	Sallas
Hargis	Senterfitt
Harris of Hill	Smith of Bastrop
Hartzog	Spacek
Heflin	Stanford
Helpinstill	Stinson
Henderson	Taylor
Hileman	Thornton
Hoyo	Turner
Huddleston	Walters
Hughes	Wattner
Humphrey	Weatherford
Hutchinson	White
Jones	Whitesides

Absent—Excused

Bean	Bell
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Benton	Isaacks
Blankenship	Kersey
Bray	King
Bruhl	Little
Bullock	Love
Bundy	McLellan
Burnaman	Manford
Celaya	Manning
Clark	Martin
Craig	Mills
Dickson of Bexar	Morgan
Duckett	Murray
Dwyer	Nicholson
Eubank	Rampy
Evans	Sharpe
Files	Shell
Garland	Simpson
Gilmer	Skiles
Halsey	Smith of Atascosa
Hardeman	Spangler
Harris of Dallas	Stubbs
Hobbs	Vale
Howard	Voigt
Howington	Winfree
Huffman	

The Speaker announced that there was not a quorum present.

LEAVES OF ABSENCE GRANTED

By unanimous consent of the House, on motion of Mr. Fitzgerald, all absent Members were granted leaves of absence for today.

ADJOURNMENT

On motion of Mr. Leyendecker the House at 4:31 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

NINETY-SIXTH DAY

(Tuesday, June 24, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bray
Allen	Bridgers
Allison	Brown
Alsup	Bruhl
Avant	Bullock
Bailey	Bundy
Baker	Burkett
Boone	Carlton
Browner	Carrington

Cato	Lock
Chambers	Love
Clark	Lowry
Cleveland	Lucas
Coker	Lyle
Colson, Mrs.	McAlister
Connelly	McCann
Craig	McDonald
Crossley	McGlasson
Crosthwait	McLellan
Daniel	McMurry
Davis	McNamara
Deen	Manford
Dickson of Bexar	Manning
Dickson of Nolan	Markle
Donald	Martin
Dove	Matthews
Duckett	Montgomery
Dwyer	Moore
Ellis	Morgan
Eubank	Morris
Evans	Morse
Favors	Murray
Ferguson	Pace
Files	Parker
Fitzgerald	Pevehouse
Fuchs	Phillips
Gandy	Price
Goodman	Reed of Bowie
Halsey	Reed of Dallas
Hanna	Ridgeway
Hardeman	Rhodes
Hargis	Roark
Harris of Dallas	Roberts
Harris of Hill	Sallas
Hartzog	Senterfitt
Heflin	Sharpe
Helpinstill	Shell
Henderson	Simpson
Hileman	Skiles
Hobbs	Smith of Bastrop
Howington	Smith of Atascosa
Hoyo	Spacek
Huddleston	Spangler
Hughes	Stanford
Humphrey	Stinson
Hutchinson	Stubbs
Jones	Taylor
Kelly	Thornton
Kennedy	Turner
Kersey	Voigt
Kinard	Walters
Klingeman	Wattner
Knight	Weatherford
Lansberry	White
Lehman	Whitesides
Leyendecker	Winfree

Absent

Bean	Huffman
Blankenship	Vale
Celaya	

Absent—Excused

Bell	Isaacks
Benton	King
Burnaman	Little
Garland	Mills
Gilmer	Nicholson
Howard	Rampy

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, it was said of the violent of old, 'They know not, neither do they understand; they walk on in darkness; all the foundations of the earth are out of course.' Lord, wilt Thou bare Thine arm and turn back the forces of death and destruction that menace the world. We plead no merit of our own, but we pray for steadfastness and wisdom to prevail in our Nation, our State, and with us here today. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Howard for today, on motion of Mr. Morse.

Mr. Kinard for last Friday afternoon, on motion of Mr. Daniel.

Mr. Burnaman for today, on motion of Mr. Reed of Bowie.

Mr. Benton for today, on motion of Mr. Carrington.

Mr. Bell for today, on motion of Mr. Hartzog.

Mr. Gilmer temporarily for today, on motion of Mr. Stinson.

Mr. Mills for today, on motion of Mr. Burkett.

Mr. Rampy for today, on motion of Mr. Wattner.

Mr. Brawner temporarily for today, on motion of Mr. Burkett.

Mr. Boone temporarily for today, on motion of Mr. Love.

Mr. Little for today, on motion of Mr. Morse.

Mr. Simpson for today, on motion of Mr. Stubbs.

The following Members were

granted leaves of absence on account of illness:

Mr. Nicholson for today and the balance of the week, on motion of Mr. Burkett.

Mr. Garland for today, on motion of Mr. Bundy.

Mr. Isaacks for today, on account of illness in family, on motion of Mr. Bridgers.

Mr. Fitzgerald temporarily for today, on motion of Mr. Crosthwait.

Mr. Bruhl temporarily for today on motion of Mr. White.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Thornton:

H. B. No. 1095, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mrs. Colson asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1094.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mrs. Colson:

H. B. No. 1094, A bill to be entitled "An Act amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Section 3 of House Bill No. 828, Acts of the Regular Session of the Forty-seventh Legislature, providing for the appointment, term of office, qualifica-

tion and organization of Board of Directors of the San Jacinto River Conservation and Reclamation District; fixing the domicile of said district; and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Carrington asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1096.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Carrington:

H. B. No. 1096, A bill to be entitled "An Act relating to National and State defense; providing for the establishment of a State Council of Defense and of local and district councils of defense; prescribing the powers and duties thereof; providing for the acceptance of gifts and donations and creating a fund therefor; appropriating all monies in said fund; providing a saving clause; repealing all laws or parts of laws inconsistent therewith; and declaring an emergency."

Referred to the Committee on Military Affairs.

RELATIVE TO RESOLUTION PERIOD

Mr. Spacek moved that the House dispense with the consideration of resolutions at this time.

The motion prevailed.

BILLS ORDERED NOT PRINTED

On motion of Mr. Markle, Senate Bill No. 500 was ordered not printed.

On motion of Mrs. Colson, House Bill No. 1094 was ordered not printed.

REQUESTING FUNDS FOR HEALTH DEFENSE NEEDS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 82, Requesting funds

for Health Defense Needs in Texas.

Whereas, The State Department of Health has been called upon to examine specimens of selectees, examine water and sewage samples for Federal Reservations, provide Orthotolidine water testing sets, supply testing materials to local laboratories cooperating with Draft Boards; and

Whereas, The State Department of Health has been requested by Camp Surgeons, Post Quartermasters, Draft Boards, industrial plant managements, Defense Commission, War and Navy Departments, to supply records, statistics, opinions, data, survey reports and communicable disease reports; and

Whereas, Additional laboratory and office space is necessary to efficiently meet all of these defense demands; and

Whereas, House Resolution No. 4545 of the National Congress, known as the "Utilities Bill" makes an appropriation for various health and sanitary needs such as hospitals, health clinics, water, sewage, school and highway improvements; now, therefore, be it

Resolved, by the Senate and the House of Representatives concurring, That the State Health Officer be directed to make application to the Federal Works Agency for funds with which to provide a building in order that the laboratory, clinical and health defense needs may be efficiently met.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION NO. 242 WITH SENATE AMENDMENTS

Mr. Lyle called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 242, Concerning labor to be used during the cotton picking season.

On motion of Mr. Lyle, the House concurred in the Senate amendments.

HOUSE BILL NO. 1061 WITH SENATE AMENDMENTS

Mr. Ridgeway called up from the Speaker's table, with Senate amend-

ments, for consideration of the amendments,

H. B. No. 1061, A bill to be entitled "An Act to amend Section One of Senate Bill No. 41, Acts of the Forty-second Legislature, Regular Session, approved May 5, 1931, being an Act defining Group Life Insurance; providing that no policy of Group Life Insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy; providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of Life Insurance covering a group except as provided by the provisions of the Act; and declaring an emergency."

Mr. Ridgeway moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on House Bill No. 1061:

Messrs. Ridgeway, Stinson, Brown, Hoyo and McGlasson.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1082

Mr. Hardeman submitted the following Conference Committee report on House Bill No. 1082:

Hon. Coke Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on House Bill No. 1082, have met and beg leave to recommend that

said House Bill No. 1082 be passed in the form attached hereto.

Respectfully submitted,

METCALFE,
SMITH,
MOFFETT,

On the part of the Senate.

HARDEMAN,
BEAN,
CELAYA,
ISAACKS,
EUBANK,

On the part of the House.

By Mr. Hardeman and others:

H. B. No. 1082,

A BILL

To Be Entitled

An Act to amend House Bill No. 146, Acts of the Forty-seventh Legislature of Texas, authorizing the Commissioners Court in all counties in the State of Texas to appropriate from the General Fund not more than Five (5) Cents on the one hundred dollars assessed valuation, for the purpose of advertising and promoting the growth and development of the counties; and providing for an election authorizing such appropriation and creating and providing for the appointment of a Board of Development devoted to the growth, advertisement, and development of such counties; providing said appropriation to constitute a separate fund to be known as the Board of Development Fund; limiting the amount to be appropriated; prescribing certain duties for said Board; making the Act cumulative of other laws authorizing such counties to appropriate such money; validating sums appropriated or expended for such purposes under previous Acts; restricting the authority to levy the tax provided for herein to counties of more than one hundred thousand (100,000) population, according to the most recent United States Census; providing a saving clause; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That House Bill No. 146, Acts of the Forty-seventh Legislature of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Section 1. That all counties in the State of Texas may appropriate from the General Fund of said counties an amount not exceeding Five (5) Cents on the one hundred dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such county; providing that before the Commissioners Court of any county may appropriate any sums for such purpose, the qualified taxpaying voters of said county shall, by a majority vote of the persons voting at such election, authorize the County Commissioners to thereafter appropriate not to exceed Five (5) Cents on the one hundred dollars assessed valuation.

"Sec. 2. The amount of money approved by the Commissioners Court for the Board of Development shall constitute a separate fund to be known as the Board of Development Fund and shall not be used for any other purpose. Each claim against the Board of Development shall be authorized and approved by the Board of Development before presented for payment, and after such approval, shall be presented to the Commissioners Court and acted upon as all other claims against the Commissioners Court.

"The Board of Development hereinafter provided for shall annually, in advance, prepare and submit to the Commissioners Court a budget for the ensuing year in the same manner as required of counties. The money appropriated annually shall be governed by the discretion of the Commissioners Court, but in no event shall said sum be in excess of Five (5) Cents on the one hundred dollars assessed valuation.

"Sec. 3. There is hereby created, in counties qualifying under this law, a Board of Development, which shall devote its time and effort for the purpose of advertising and promoting the growth and development of such county. The Board of Development shall be authorized to expend any sums reasonably necessary to accomplish its purposes for per-

sonnel, rent, and materials, subject to the approval of the Commissioners Court.

"The Board of Development shall consist of five (5) members, to be appointed by the Commissioners Court; said members shall serve for a period of two (2) years from their appointment, without compensation, and until their successors are appointed and accept said appointment. Vacancies on such Board will be filled by the Commissioners Court in the same manner as the original appointment.

"Sec. 4. This law shall be cumulative of all other laws authorizing counties to appropriate money, or to levy a tax for advertising and promotional purposes, and counties shall have the option of operating under any one applicable law, but in any event, the maximum amount of money which can be appropriated for such purpose shall not exceed the limits herein fixed.

"Sec. 5. Any sums heretofore appropriated or expended for advertising or promotional purposes under any such previous Acts are hereby validated."

Sec. 2. The authority to levy the tax provided for herein shall be restricted to counties of more than one hundred thousand (100,000) population, according to the most recent United States Census.

Sec. 3. If any section, clause, paragraph, or sentence of this Act shall be declared unconstitutional, it is hereby declared to be the intention of the Legislature that the remainder of such Act shall remain in full force and effect.

Sec. 4. The crowded condition of the calendar creates an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring all bills to be read on three several days in each House, and said Rule is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

On motion of Mr. Hardeman, the report was adopted by the following vote:

Yeas—109

Allen

Allison

Alsup	Kersey
Avant	Kinard
Baker	Klingeman
Blankenship	Knight
Boone	Lehman
Bray	Leyendecker
Bridgers	Lock
Brown	Love
Bullock	Lowry
Bundy	Lucas
Carlton	Lyle
Carrington	McDonald
Cato	McGlasson
Clark	McLellan
Cleveland	McMurry
Coker	McNamara
Colson, Mrs.	Manford
Connelly	Markle
Craig	Martin
Crossley	Matthews
Crosthwait	Montgomery
Daniel	Moore
Davis	Morris
Deen	Morse
Dickson of Bexar	Pace
Dickson of Nolan	Parker
Donald	Pevehouse
Duckett	Phillips
Dwyer	Price
Ellis	Reed of Bowie
Eubank	Reed of Dallas
Favors	Ridgeway
Ferguson	Roark
Fitzgerald	Roberts
Gandy	Sallas
Goodman	Senterfitt
Halsey	Sharpe
Hanna	Shell
Hardeman	Simpson
Hargis	Skiles
Harris of Dallas	Smith of Bastrop
Harris of Hill	Smith of Atascosa
Heflin	Spacek
Helpinstill	Spangler
Henderson	Taylor
Hileman	Thornton
Hobbs	Turner
Howington	Voigt
Hoyo	Walters
Huddleston	Wattner
Humphrey	Weatherford
Jones	White
Kelly	Whitesides
Kennedy	Winfree

Nays—4

Hughes
Lansberry

McAlister
Stinson

Absent

Bailey

Bean

Blankenship	Huffman
Brawner	Hutchinson
Bruhl	McCann
Burkett	Manning
Celaya	Morgan
Chambers	Murray
Dove	Rhodes
Files	Stanford
Fuchs	Stubbs
Hartzog	Vale

Absent—Excused

Bell	Isaacks
Benton	King
Burnaman	Little
Evans	Mills
Garland	Nicholson
Gilmer	Rampy
Howard	

HOUSE BILL NO. 268 WITH
SENATE AMENDMENTS

Mr. Cato called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 268, A bill to be entitled "An Act to provide for the establishment of a State Cancer Hospital for the treatment of cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State and their appointments shall be four (4) years; and providing herein for the appointment of an Administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years; and providing herein for the appointment of an Advisory Board of nine (9) citizens consisting of one attorney, one civil engineer, one ordained minister, one business manager and five (5) physicians; the Cancer Commission will have power to make rules for conducting the hospital not contrary to the laws of the State of Texas, etc."

Mr. Cato moved that the House concur in the Senate amendments to House Bill No. 268.

Mr. McAlister moved, as a substitute motion, that the House do not concur in the Senate amendments.

On motion of Mr. Cato, the substitute motion by Mr. McAlister was tabled.

Mr. Hanna moved that further consideration of House Bill No. 268 be postponed until 11:00 o'clock a. m. next Thursday.

On motion of Mr. Cato, the motion to postpone was tabled.

Mr. Lansberry moved, as a substitute motion, that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

On motion of Mr. Cato, the motion by Mr. Lansberry was tabled.

The House then concurred in Senate amendments to House Bill No. 268 by the following vote:

Yeas—86

Allen	Hoyo
Allison	Huddleston
Alsup	Hughes
Avant	Humphrey
Bailey	Hutchinson
Baker	Jones
Blankenship	Kelly
Brown	Kennedy
Bullock	Kersey
Carrington	Kinard
Cato	Knight
Cleveland	Leyendecker
Colson, Mrs.	Lock
Connelly	Love
Daniel	Lowry
Deen	Lucas
Dickson of Bexar	Lyle
Donald	McCann
Dove	McDonald
Duckett	McGlasson
Dwyer	McLellan
Ellis	McMurry
Ferguson	Manford
Files	Manning
Fitzgerald	Markle
Goodman	Matthews
Halsey	Montgomery
Hargis	Moore
Harris of Hill	Morse
Hartzog	Pace
Heflin	Phillips
Henderson	Price
Hileman	Reed of Dallas
Hobbs	Ridgeway

Roark	Spacek
Sallas	Spangler
Senterfitt	Stinson
Sharpe	Taylor
Shell	Turner
Simpson	Weatherford
Skiles	White
Smith of Bastrop	Whitesides
Smith of Atascosa	Winfree

Nays—37

Brawner	Helpinstill
Bray	Howington
Bridgers	Klingeman
Bundy	Lansberry
Burkett	Lehman
Carlton	McAlister
Clark	McNamara
Craig	Martin
Crossley	Morris
Crosthwait	Murray
Davis	Parker
Dickson of Nolan	Reed of Bowie
Eubank	Rhodes
Favors	Roberts
Fuchs	Thornton
Gandy	Voigt
Hanna	Walters
Hardeman	Wattner
Harris of Dallas	

Absent

Bean	Huffman
Boone	Morgan
Bruhl	Pevehouse
Celaya	Stanford
Chambers	Stubbs
Coker	Vale
Evans	

Absent—Excused

Bell	Isaacks
Benton	King
Burnaman	Little
Garland	Mills
Gilmer	Nicholson
Howard	Rampy

Mr. Cato moved to reconsider the vote by which the motion prevailed, and to table the motion to reconsider.

The motion to table prevailed.

AUTHORIZING CERTAIN CORRECTIONS IN SENATE BILL NO. 402

Mr. Morris offered the following resolution:

H. C. R. No. 278, Authorizing Cer-

tain Corrections in Senate Bill No. 402.

Whereas, Senate Bill No. 402 has passed the Senate and House of Representatives and is now on the Governor's desk, and

Whereas, Item No. 28, page 3737 as printed in the House Journal May 22, 1941, in which item there is an error, a part of said item being inadvertently deleted through error and which item does not express the true intent of the Legislature and if this item is not corrected by concurrent resolution or otherwise a hardship will be brought about upon this particular party serving in this capacity and which item reads as follows: "Storekeeper-accountant, with board and laundry, 12 months," which item should have read "Storekeeper-accountant, with board, laundry, fuel, light, water and housing for self and family";

Therefore be it resolved by the House of Representatives, the Senate concurring, That the Board of Control be instructed and that they are hereby instructed to grant to the party holding this position the additional service specified in the latter wording in order that the intent of the Legislature may be carried out and in order that this position may be placed in line with other similar positions in eleemosynary institutions of the State.

The fact that the Texas School for the Deaf now owns the home in which this person resides and the fact that he does have a family and the fact that such compensations have heretofore been granted him and the further fact that this will in no wise change the amount of money in the appropriation makes it a necessity that this resolution pass that the Board of Control may be so instructed.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, June 24, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the

House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 166.

The following have been appointed on the part of the Senate:

Senators Lemens, Brownlee, Fain, Smith and Winfield.

The Senate has refused to adopt the Conference Committee report on Senate Bill No. 471, and has referred it back to the committee for further consideration.

The Senate has concurred in House amendments to Senate Bill No. 486 by the following vote: Yeas, 21; nays, 4.

The Senate has adopted Conference Committee report on House Bill No. 166 by a viva voce vote.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 1061.

The following have been appointed on the part of the Senate:

Senators Van Zandt, Vick, Kelley, Stone and Lemens.

The Senate has adopted the Conference Committee report on House Bill No. 1061 by the following vote: Yeas, 22; nays, 2.

Respectfully,

BOB BARKER,

Secretary of the Senate.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 166

Mr. Kinard submitted the following Conference Committee report on House Bill No. 166:

Austin, Texas, June 24, 1941.

Hon. Coke Stevenson, President of the Senate;

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on House Bill No. 166, have met and beg leave to recommend that House

Bill No. 166 be passed in the form hereto attached.

Respectfully submitted,

LEMENS,
BROWNLEE,
FAIN,
SMITH,
WINFIELD,

On the part of the Senate.

KINARD,
BULLOCK,
LOCK,
JONES,
CARLTON,

On the part of the House.

By Mr. Kinard and Mr. Bullock:

H. B. No. 166,

A BILL

To Be Entitled

An Act amending Article 4556, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended, and Articles 4557, 4558, 4559, 4561, 4562, 4563, 4564, 4565, 4565-a, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended, and amending Chapter 5, Title 12 of the Penal Code of Texas by amending Article 736 so as to provide for a State Board of Examiners in Optometry; providing for qualifications for and method of filling vacancies on said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass an examination; requiring all persons to record optometry licenses; providing subjects for and method of giving examination; providing grounds for refusal of the cancellation of licenses; prescribing examination fee and renewal fee and method of obtaining duplicate licenses; defining terms; specifying acts constituting penal offenses and providing penalty therefor; repealing Article 4566-1, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended; repealing all laws and parts of laws in conflict with this Act and declaring that the

remainder of the Act shall not be affected by the unconstitutionality of any part thereof, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 4556, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4556. The Board shall preserve a record of its proceedings in a book kept for that purpose. A record shall be kept showing the name, age, residence and mailing address of each applicant for examination, the name and location of the School of Optometry from which he holds credentials, and the time devoted to the study and practice of optometry, together with such information as the Board may desire to record. Said record shall also show whether applicants were registered or licensed, and shall be prima facie evidence of all matters therein contained. Every license and annual renewal certificate shall be numbered and recorded in a book kept by the Secretary of the Board. The Board shall have the power to make such rules and regulations, not inconsistent with this law, as may be necessary for the performance of its duties, the regulation of the practice of optometry and the enforcement of this Act. The Board shall have power to appoint committees from its own membership, the duties of which committees shall be to consider such matters pertaining to the enforcement of this Act and the regulations promulgated in accordance therewith as shall be referred to said committees, and they shall make recommendations to the Board with respect thereto. The Board shall have the power to employ the services of stenographers, investigations counsel, an executive secretary, inspectors and other necessary assistants in carrying out the provisions of this Act. The Board may be represented by the Attorney General and by the county and district attorneys of the State and counsel employed by the Board. The Board, any committee or any member thereof shall have the

power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of books, records and documents and to administer oaths and to take testimony concerning all matters within its or his jurisdiction. The Board shall not be bound by strict rules of procedure or by laws of evidence in conduct of its proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it. The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for injunction shall be in addition to any other action, proceeding or remedy authorized by law. Before entering upon the discharge of the duties of his office, the Secretary-Treasurer of the Board shall give such bond for the performance of his duties as the Board may require, the premium of which is to be paid by funds in possession of the Board. The Board shall adopt an official seal and license of suitable design and shall maintain an office where all of the permanent records shall be kept.

Sec. 2. That Article 4557, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4557. Every person desiring to practice optometry in the State of Texas shall be required to pass the examination given by the Texas State Board of Examiners in Optometry. The applicant shall make application, furnishing to the Secretary of the Board on forms to be furnished by the Board satisfactory sworn evidence that he has attained the age of twenty-one (21) years, is of good moral character, is a citizen of the United States, and has at least graduated from a first grade high school, or has a preliminary education equivalent to permit him to matriculate in the University of Texas, and that he has attended and graduated from a reputable University or College of Optometry which meets with the requirements of the Board, and such other information as the Board may deem necessary for the enforcement of this Act. A university or School of Optometry is reputable whose entrance require-

ments and course of instruction are as high as those adopted by the better class of Universities and Schools of Optometry, and whose course of instruction shall be the equivalent of not less than four terms of eight months each, and approved by the Board. Provided that no provision of this section shall apply to any qualified person who in good faith began the study of optometry and so filed his intention with the Texas State Board of Examiners in Optometry under the provisions of Title 71, Chapter 10 of the Revised Civil Statutes of Texas, 1925, as amended, prior to the effective date of this Act. Any person failing to register with the Secretary of the Board within thirty days after the effective date of this Act under proper rules of the Board and other related facts as the Board may require shall be deemed to have waived all rights under the provisions of Title 71, Chapter 10, Article 4557, Revised Civil Statutes of Texas, 1925, as amended.

Sec. 3. That Article 4558, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4558. The examination shall consist of written, oral or practical tests in practical, theoretical and physiological optics, and theoretical and practical optometry, and in the anatomy, physiology and pathology of the eye, as applied to optometry, and in such other subjects as may be regularly taught in recognized standard optometric schools or universities."

Sec. 4. That Article 4559, Chapter 10, Title 71 of the Revised Civil Statutes, 1925, be amended so as to hereafter read as follows:

"Article 4559. Each applicant shall be given due notice of the date and place of examination. All examinations shall be conducted in writing and by such other means as the Board shall determine adequate to ascertain the qualifications of applicants, and in such manner as shall be entirely fair and impartial to all applicants. All applicants examined at the same time shall be given the same written examinations. Every applicant successfully passing the examination and meeting all require-

ments of the Board shall be registered by the Board as possessing the qualifications required by this law, and shall receive from said Board a license to practice optometry in this State."

Sec. 5. That Article 4561, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4561. It shall be unlawful for any person to practice optometry within the limits of this State who has not registered and recorded his license in the Office of the County Clerk of the County in which he resides, and in each county in which he practices, together with his age, post office address, place of birth, subscribed and verified by his oath. The fact of such oath and record shall be endorsed by the County Clerk upon the license. The absence of record of such license in the office of the County Clerk shall be prima facie evidence of the lack of the possession of such license to practice optometry."

Sec. 6. That Article 4562, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4562. Each county clerk in this State shall purchase a book of suitable size, to be known as the 'Optometry Register' of such county, and set apart at least one full page for the registration of each optometrist, and record in said optometry register the name and record of each optometrist who possesses for record a license or certificate issued by the State Board of Examiners in Optometry. The county clerk shall receive One Dollar (\$1.00) for each document registered, as provided in this Act, which shall be his full compensation for all duties herein required. When an optometrist shall have his license revoked, suspended or cancelled, said County Clerk, upon being notified by the Board, shall make a note of the fact beneath the record in the optometry register, which entry shall close the record and be prima facie evidence of the fact that the license has been so cancelled, suspended or revoked. The County Clerk of each County shall, upon the request of the Secretary of the Board, certify to the Board of

Examiners a correct list of the optometrists then registered in the county, together with such other information as the Board may require."

Sec. 7. That Article 4563, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4563. The Texas State Board of Examiners may, in its discretion, refuse to issue license to any applicant and may cancel, revoke or suspend the operation of any license by it granted for any of the following reasons:

(a) That said applicant or licensee is guilty of gross immorality;

(b) That said applicant or licensee is guilty of any fraud, deceit or misrepresentation in the practice of optometry, or in his seeking admission to such practice;

(c) That said applicant or licensee is unfit or incompetent by reason of negligence;

(d) That said applicant or licensee has been convicted of a felony or a misdemeanor which involves moral turpitude;

(e) That said applicant or licensee is an habitual drunkard or is addicted to the use of morphine, cocaine or other drugs having similar effect, or has become insane, or has been adjudged by a court of competent jurisdiction to be of unsound mind;

(f) That said licensee has directly or indirectly employed, hired, procured, or induced a person not licensed to practice optometry in this State, to so practice;

(g) That said licensee, directly or indirectly, aids or abets in the practice of optometry any person not duly licensed to practice under this Act;

(h) That said licensee, directly or indirectly, employs solicitors, canvassers or agents for the purpose of obtaining patronage;

(i) That said licensee lends, leases, rents or in any other manner places his license at the disposal of or in the service of any person not licensed to practice optometry in this State;

(j) That said applicant or licensee has wilfully or repeatedly

violated any of the provisions of this Act;

(k) That said licensee has split fees derived from professional services;

(l) That said licensee professes by any means to perform his services in a superior manner, or implies, directly or indirectly, to the public professional superiority;

(m) That said licensee advertises prices or indulges in false or untrue advertising of a character which would tend to mislead the public;

(n) That said licensee practices or holds himself out to practice optometry under any name other than his own proper name, as is set forth in his license, or is employed by an unlicensed person; provided, however, that this shall not prevent two or more persons duly licensed under this Act from practicing optometry in the same offices as associates in their own name, as stated in the individual licenses issued to them.

"Proceedings under this Article shall be begun by filing charges with the Board in writing and under oath. Said charges may be made by any person or persons. The President of the Board shall fix a time and place for a hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be served on the respondent or his counsel at least ten (10) days prior thereto. When personal service cannot be effected, the Board shall cause to be published once a week for two (2) successive weeks a notice of the hearing in a newspaper published in the county wherein the respondent was last known to practice, and shall mail a copy of the charges and of such notice to the respondent at his last known address. When publication of the notice is necessary, the date of hearing shall not be less than ten (10) days after the last date of the publication of the notice. At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on his own behalf, to cross-examine witnesses and to have subpoenas is-

sued by the Board. The Board shall thereupon determine the charges upon their merits.

"Any person whose license to practice optometry has been refused or has been revoked or suspended by the Board, may, within twenty (20) days after the making and entering of such order, take an appeal to any of the district courts of the county of his residence, but the decision of the Board shall not be stayed or enjoined except upon application to such district court after notice to the Board.

"Upon application, the Board may reissue a license to practice optometry to a person whose license has been revoked, but such application shall not be made prior to one (1) year after the revocation and shall be made in such manner and form as the Board may require.

"Provided, however, that nothing in this law shall be construed to prevent the administrator or executor of the estate of a deceased optometrist from employing a licensed optometrist to carry on the practice of such deceased during the administration of such estate, nor to prevent a licensed optometrist from working for such person during the administration of the estate when the legal representative thereof has been authorized by the county judge to continue the operation of such practice.

"The term 'Texas State Board of Examiners' as used in this Act shall mean The Texas State Board of Examiners in Optometry."

Sec. 8. That Article 4564, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4564. Every person practicing optometry in this State shall display his license or certificate in a conspicuous place in the office where he practices optometry, and whenever required exhibit such license or certificate to said Board, or its authorized representative."

Sec. 9. That Article 4565, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4565. The Board shall charge a fee of Fifty Dollars for

examining an applicant for license, which fee must accompany the application. If the applicant who, because of failure to pass the examination, be refused a license, he shall be permitted to take a second examination without additional fee, provided the second examination is taken within a period of two (2) years. The fee for issuing a license shall be Ten Dollars, to be paid to the Secretary of the Board. If anyone successfully passing the examination and meeting the requirements of the Board has not paid the fee for issuance of a license within ninety (90) days after having been notified by registered mail at the address given on his examination papers, or at the time of examination, that he is eligible for same, such person shall by his own act have waived his right to obtain his license, and the Board may at its discretion refuse to issue such license until such person has taken and successfully passed another examination. The fund realized from all fees payable under this Act shall first be applied to the payment of all necessary expenses of the Board, and the remainder shall be applied by order of the Board to compensate members of said Board. Said compensation to each member of the Board shall not exceed Ten (\$10.00) Dollars per day, exclusive of allowable expenses, except the Secretary-Treasurer shall receive additional compensation as set by the Board for the performance of such additional duties as Secretary-Treasurer. The Board shall defray all expenses of administration and enforcement of this law from fees provided for in this Act, and no appropriation shall ever be made from the State Treasury for any expenditure made necessary by this law.

Sec. 10. That Article 4565-a, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4565-A. On or before the first day of January of each year, every licensed optometrist in this State shall pay to the Secretary-Treasurer of the Texas State Board of Examiners in Optometry an an-

nual renewal fee of Ten (\$10.00) Dollars for the renewal of his license to practice optometry for the current year. On receipt of said renewal fee, the Board shall issue an annual renewal certificate bearing the number of his license, the year for which renewed, and such other information for the records of the Board as said Board may deem necessary. When an optometrist shall fail to pay his annual renewal fee by March 1 of each year, it shall be the duty of the Board to notify such optometrist by registered mail at his last known address, that his license has been suspended. The Board shall notify the County Clerk of the County in which such license may have been recorded of such suspension, and such Clerk, upon receipt of notice from the Secretary of the Board, shall enter upon the optometry register of such county the fact that such license has been suspended for non-payment of annual renewal fees, and shall notify the Board in writing that such entry has been made. Provided, that if said annual renewal fee is not paid within ten (10) days of the notice of suspension, the Board shall then cancel such license. The Board shall notify the County Clerk in the County in which such license may have been recorded of such suspension, and such Clerk, upon receipt of such notice from said Board, shall enter upon the optometry register of such County the fact that such license has been cancelled and is void for non-payment of annual renewal fee, and shall notify the Board in writing that such entry has been made. Practicing optometry without an annual renewal certificate, as provided herein, shall have the same force and effect, and be subject to all penalties of practicing optometry without a license. After the Board has declared a license void, as provided for in this Article, the Board may thereafter, in its discretion, refuse to issue a new license until such optometrist whose license has been declared void for non-payment of annual renewal fee has passed the regular examination for license as provided for by this Act. If any license issued under this law shall be lost or destroyed, the holder of said license shall make

an affidavit of its loss or destruction, and that he is the same person to whom such license was issued, and such other information as may be desired by the Board, and shall, upon payment of a fee of Two Dollars, Fifty Cents (\$2.50) be granted a license under this law. The Board may exercise its discretion in granting such duplicate licenses."

Sec. 11. That Article 736, Chapter 5, Title 12 of the Penal Code of Texas be amended so as to hereafter read as follows:

"Article 736. Every person practicing optometry in this State shall display his license or certificate in a conspicuous place in the office where he practices optometry, and whenever required exhibit such license or certificate to said Board, or to its authorized representative.

"Provided that anyone who owns, maintains or operates any office or place of business where he engages or employs persons, under any kind of contract whatsoever, to practice optometry as defined in this Act, shall be deemed to be practicing optometry himself and shall be required to be duly licensed to practice optometry as defined in this Act and shall be subject to all of the provisions of this Chapter, even though the person or persons so employed or engaged by him shall be duly licensed to practice optometry, as defined in this Act."

Sec. 12. That Article 4566-1, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, be repealed in its entirety.

Sec. 13. All laws or parts of laws in conflict with this Act shall be repealed.

Sec. 14. If any Article, Section, Sub-section, Sentence, Clause or Phrase of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of any remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each Section, Sub-section, Sentence, Clause or Phrase thereof, irrespective of the fact that any one or more Sections, Sub-sections, Sentences, Clauses or Phrases thereof are declared unconstitutional.

Sec. 15. The fact that the existing law does not provide an adequate

method of regulation and enforcement of the provisions of this Act, and that there is inadequate protection of the public health and the public welfare, and the further fact that the calendars of the Senate and the House are now in a crowded condition, create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three separate days in each House be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Kinard, the report was adopted.

**TO PROVIDE FOR CERTAIN
RECESS AND SINE DIE
ADJOURNMENT**

Mr. Crosthwait offered the following resolution:

H. C. R. No. 154, To Provide for Certain Recess and Sine Die Adjournment.

Be it resolved by the House of Representatives, the Senate concurring, That on June 25, 1941, the Legislature do recess during the period from that date until July 15, 1941, at 10:00 a. m., when it shall again convene at the State Capitol;

Be it further resolved, That during said period of recess the Members of the Legislature shall draw no per diem for their services and that all employees of both branches of the Legislature be discharged from service and that the elective officers of the House and the Senate be allowed no salary during such recess except such officers and employees as the President of the Senate and the Speaker of the House find necessary to retain;

Be it further resolved, That the Regular Session of the 47th Legislature stand adjourned sine die on July 18, 1941, at 5:00 p. m.

CROSTHWAIT,
TAYLOR.

The resolution was read second time.

Mr. McLellan moved the previous

question on the resolution, and the motion was not seconded.

Mr. Morse offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 154 by striking out "June 25, 1941," and substituting in lieu thereof "June 27, 1941."

MORSE,
TAYLOR.

Mr. McMurry moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment by Mr. Morse, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—61

Allen	Lansberry
Allison	Lehman
Alsup	Leyendecker
Bray	Lock
Bridgers	Lyle
Brown	McAlister
Bullock	McDonald
Bundy	McGlasson
Carlton	McNamara
Carrington	Manning
Cato	Markle
Clark	Martin
Cleveland	Montgomery
Coker	Moore
Colson, Mrs.	Morris
Crossley	Morse
Crosthwait	Phillips
Davis	Reed of Dallas
Ellis	Sharpe
Eubank	Shell
Ferguson	Skiles
Fuchs	Smith of Atascosa
Halsey	Stanford
Hardeman	Stubbs
Hargis	Taylor
Harris of Hill	Thornton
Hartzog	Walters
Heflin	Wattner
Howington	Weatherford
Kelly	Winfree
Kersey	

Nays—55

Avant	Blankenship
Bailey	Burkett
Baker	Connelly

Craig	Love
Daniel	Lowry
Deen	Lucas
Dickson of Bexar	McCann
Dickson of Nolan	McLellan
Donald	McMurry
Dove	Manford
Duckett	Matthews
Dwyer	Murray
Favors	Pace
Fitzgerald	Parker
Hanna	Pevehouse
Harris of Dallas	Price
Helpinstill	Reed of Bowie
Henderson	Ridgeway
Hileman	Rhodes
Hobbs	Roark
Hoyo	Roberts
Huddleston	Sallas
Hughes	Senterfitt
Humphrey	Smith of Bastrop
Hutchinson	Spacek
Kennedy	Spangler
Klingeman	Stinson
Knight	

Absent

Bean	Huffman
Boone	Jones
Brawner	Kinard
Bruhl	Morgan
Celaya	Turner
Chambers	Vale
Evans	Voigt
Files	White
Gandy	Whitesides
Goodman	

Absent—Excused

Bell	King
Benton	Little
Burnaman	Mills
Garland	Nicholson
Gilmer	Rampy
Howard	Simpson
Isaacks	

Mr. Favors moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 60; nays, 59.

A verification of the vote was requested.

The roll of the "yeas" and "nays"

was again called and the verified vote resulted as follows:

Yeas—57

Avant	Klingeman
Bailey	Knight
Baker	Lock
Burkett	Love
Connelly	Lowry
Craig	Lucas
Daniel	McCann
Deen	McLellan
Dickson of Bexar	McMurry
Dickson of Nolan	Manford
Donald	Manning
Dove	Matthews
Duckett	Pace
Dwyer	Parker
Favors	Pevehouse
Ferguson	Price
Fitzgerald	Reed of Bowie
Goodman	Ridgeway
Hanna	Roark
Helpinstill	Roberts
Henderson	Sallas
Hobbs	Senterfitt
Howington	Smith of Bastrop
Hoyo	Spacek
Huddleston	Spangler
Hughes	Stinson
Humphrey	Thornton
Hutchinson	Wattner
Kennedy	

Nays—56

Allen	Hartzog
Allison	Heflin
Alsup	Jones
Bray	Kelly
Bridgers	Kersey
Brown	Lansberry
Bullock	Lehman
Bundy	Leyendecker
Carlton	Lyle
Carrington	McAlister
Cato	McGlasson
Clark	McNamara
Cleveland	Martin
Coker	Montgomery
Colson, Mrs.	Moore
Crossley	Morris
Crosthwait	Morse
Davis	Murray
Ellis	Phillips
Eubank	Reed of Dallas
Files	Sharpe
Fuchs	Shell
Halsey	Skiles
Hardeman	Smith of Atascosa
Hargis	Stanford
Harris of Hill	Stubbs

Taylor	Weatherford
Walters	Winfree

Present—Not Voting

Markle

Absent

Bean	Huffman
Blankenship	Kinard
Boone	McDonald
Brawner	Morgan
Bruhl	Rhodes
Celaya	Turner
Chambers	Vale
Evans	Voigt
Gandy	White
Hileman	Whitesides

Absent—Excused

Bell	Isaacks
Benton	King
Burnaman	Little
Garland	Mills
Gilmer	Nicholson
Harris of Dallas	Rampy
Howard	Simpson

PAIRED

Mr. Bell (absent), who would vote "nay," with Mr. Markle (present), who would vote "yea."

(Pending consideration of the verification, Mr. McNamara occupied the Chair temporarily.)

(Speaker in the Chair.)

The Speaker announced that the motion to table the resolution prevailed.

REASON FOR VOTE

I voted "nay" on motion to table the resolution—the Taylor resolution on recess—for the reason that I am opposed to the House adjourning with important bills on the calendar awaiting action. I think the House should clean up its calendar before recessing or adjourning.

ELLIS.

PROVIDING FOR CERTAIN
RECESS AND SINE DIE
ADJOURNMENT

Mr. Cato offered the following resolution:

H. C. R. No. 230, Providing for Certain Recess and Sine Die Adjournment.

Be it resolved by the House of Representatives, the Senate concurring, That on June 27, 1941, the Legislature do recess during the period from that date until July 15, 1941, at 10:00 a. m., when it shall again convene at the State Capitol;

Be it further resolved, That during said period of recess the Members of the Legislature shall draw no per diem for their services and that all employees of both branches of the Legislature be discharged from service and that the elective officers of the House and the Senate be allowed no salary during such recess except such officers and employees as the President of the Senate and the Speaker of the House find necessary to retain;

Be it further resolved, That the Regular Session of the 47th Legislature stand adjourned sine die on July 18, 1941, at 6:00 p. m.

CATO,
TAYLOR.

The resolution was read second time.

Mr. McLellan moved the previous question on the resolution, and the main question was ordered.

Question recurring on the resolution by Mr. Cato, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—66

Allen	Crosthwait
Allison	Davis
Alsop	Ellis
Boone	Eubank
Bray	Ferguson
Bridgers	Files
Brown	Fuchs
Bullock	Halsey
Bundy	Hardeman
Carlton	Hargis
Carrington	Harris of Hill
Cato	Hartzog
Clark	Heflin
Cleveland	Jones
Coker	Kelly
Colson, Mrs.	Kersey
Crossley	Kinard

Lansberry	Phillips
Lehman	Reed of Dallas
Leyendecker	Sharpe
Lock	Shell
Love	Simpson
Lyle	Skiles
McAlister	Smith of Atascosa
McDonald	Stubbs
McGlasson	Taylor
McLellan	Thornton
McNamara	Turner
Martin	Walters
Montgomery	Wattner
Moore	Weatherford
Morris	White
Morse	Winfree

Nays—54

Avant	Humphrey
Bailey	Hutchinson
Baker	Kennedy
Blankenship	Klingeman
Burkett	Knight
Chambers	Lowry
Connelly	Lucas
Craig	McCann
Daniel	McMurry
Deen	Manford
Dickson of Bexar	Manning
Dickson of Nolan	Matthews
Donald	Murray
Dove	Pace
Duckett	Parker
Dwyer	Pevehouse
Favors	Price
Gandy	Reed of Bowie
Hanna	Ridgeway
Helpinstill	Roark
Henderson	Roberts
Hileman	Sallas
Hobbs	Senterfitt
Howington	Smith of Bastrop
Hoyo	Spacek
Huddleston	Spangler
Hughes	Stinson

Present—Not Voting

Markle

Absent

Bean	Morgan
Brawner	Rhodes
Bruhl	Stanford
Celaya	Vale
Evans	Voigt
Goodman	Whitesides
Huffman	

Absent—Excused

Bell	Benton
------	--------

Burnaman	Isaacks
Fitzgerald	King
Garland	Little
Gilmer	Mills
Harris of Dallas	Nicholson
Howard	Rampy

PAIRED

Mr. Bell (absent), who would vote "yea" with Mr. Markle (present) who would vote "nay."

Mr. Taylor moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

June 24th, 1941.

To the Members of the Forty-seventh Legislature:

On May 26th I sent a message to the Legislature which read as follows:

"An emergency has arisen which will prevent the State of Texas from receiving Federal matching funds for old-age assistance after July 1, 1941, unless proper action is taken by the Legislature immediately.

"The Federal Social Security Act was amended in 1939 making it necessary that the State agency in determining need shall take into consideration all income and resources of individuals claiming old-age assistance; this provision of the Federal law becomes effective July 1, 1941. Representatives of the Social Security Board have informed officials of the State Department of Public Welfare that the present Texas law will not conform to the Federal law after July 1, 1941, and that legislative action must be taken to insure the continuance of Federal funds after that date. House Bill No. 611, recently passed by the House of Representatives, does, in the opinion of the officials of the State Department of Public Welfare, meet the provisions of the Federal law that go into effect on July 1, if

all House amendments are eliminated. It is believed that if the law is changed as provided for in House Bill No. 611, the State Department will be able to make a liberal interpretation of the law which will mean a more liberal program and will at the same time insure the continuance of Federal matching funds for old-age assistance in Texas.

"The State Department of Public Welfare must apply thirty days in advance in requesting the approval of Federal funds for old-age assistance. This means that the request for the quarter beginning July 1 must be made to the Federal authorities on June 1, which is only one week from this date. It is therefore very urgent that House Bill No. 611, now in the Senate, be considered as emergency legislation and should receive your quick attention.

"The fact that the amendments to the Federal law take effect on July 1 makes it necessary that the passage of any Act without making it effective at once will be too late to insure Federal matching funds for old-age assistance for the month of July, 1941; therefore, I respectfully submit House Bill No. 611, as passed by the House, as emergency legislation, and request your earliest consideration."

To date this bill still has not reached my desk, and again I am urging that this bill receive your immediate attention, and respectfully request its early passage in order that our State will not face the possibility of having Federal funds denied it because of the failure of our lawmaking body to pass corrective legislation.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

**BILLS AND RESOLUTIONS
SIGNED BY THE
SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 261, Authorizing cer-

tain corrections in House Bill No. 161.

H. C. R. No. 255, Suspending Rules to consider House Bill No. 161.

H. C. R. No. 231, Relative to Senate Bill No. 221.

H. C. R. No. 259, Authorizing certain corrections in House Bill No. 1038.

S. C. R. No. 71, Granting A. T. Mast and H. R. Mast permission to sue the State.

S. C. R. No. 73, Granting A. T. Mast permission to sue the State.

H. C. R. No. 242, Concerning labor to be used during the cotton picking season.

S. B. No. 429, "An Act relating to marks and brands of live stock in Victoria County only, etc.; and declaring an emergency."

S. B. No. 379, "An Act regulating commissions and renewal contracts of agents with Life Insurance Companies doing business in Texas whose books and records are not located in Texas, etc.; and declaring an emergency."

S. B. No. 336, "An Act to provide that the Texas Prison Board shall maintain schools in all the penitentiaries and penitentiary farms of the State of Texas, providing for compulsory attendance of illiterates, a program of academic and vocational education, and hours of attendance; providing that the State Superintendent of Public Instruction shall supply text books; and declaring an emergency."

H. B. No. 376, "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school districts and a common school district; and declaring an emergency."

H. B. No. 740, "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas, in the sum of One Thousand, One Hundred Sixty-seven and 18/100 Dollars (\$1,167.18),

not otherwise appropriated, to cover taxes due by the State of Texas to Walker County, covering the years 1932, 1939 and 1940, inclusive; and declaring an emergency."

H. B. No. 1081, "An Act to prohibit the use of a seine or net for taking fish in Brown County except a minnow seine not more than twenty (20) feet in length when used for the purpose of taking minnows for bait; prohibiting the use of a seine or net for any purpose in the waters of Lake Brownwood; providing a penalty; repealing all laws in conflict; and declaring an emergency."

H. B. No. 161, "An Act to amend subdivision 90 of Article 199 of the Revised Statutes of the State of Texas, 1925, so as to change the time and terms of holding the terms of the District Court of Stephens County, providing that Stephens and Young Counties shall constitute the 90th Judicial District, fixing the terms and time for holding court in Stephens and Young Counties, prescribing the powers and duties of the 90th District Court, and providing for the transfer of cases from the 30th Judicial District Court to the 90th Judicial District of Young County, and from the 90th District Court in Young County to the 30th District Court in Young County, providing for District Clerks in Stephens and Young Counties, and their successors in office to be clerks of said 30th District Court and 90th District Court in their respective counties, validating all processes, bonds and writs issued and served before the taking effect of this Act, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district fixed herein, to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under the Act, providing that if any section of this Act be held unconstitutional or invalid for any reason the same shall not impair or affect the remaining sections or provisions; and declaring an emergency."

H. B. No. 845, "An Act to amend Article 2465, Revised Civil Statutes

of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, 1929, Chapter 17, page 46, Section 1, as amended by Acts of the Forty-first Legislature, Second Called Session, page 168, Chapter 85, Section 1, providing for books and records to be kept by credit unions, for supervision and examination of credit unions by some competent person or persons designated by the State Banking Commissioner, by one or more credit union examiners appointed by the Banking Commissioner, or by certain employees of the Banking Department; and providing for salaries and expense accounts for such person or persons; fixing maximum fees to be charged for such services and a method for handling such moneys collected from the credit unions; and declaring an emergency."

H. B. No. 1091, "An Act to amend Article 6377 of the Revised Civil Statutes of Texas, 1925, which regulates the equipment in passenger trains; this amendment providing that the provisions of Article 6377 of the Revised Civil Statutes of Texas, 1925, shall not be applicable where railroad trains are carrying only personnel and equipment in connection with military or naval movements."

H. B. No. 312, "An Act amending Article 2843 of the Revised Civil Statutes (1925), of the State of Texas providing for a uniform free text book system; and declaring an emergency."

H. B. No. 1085, "An Act creating a Consolidated Road District No. 3 of Tyler County, Texas, under authority of Article 3, Section 52, of the Constitution of Texas, for the purpose of fully and fairly compensating original Road Districts Nos. 3 and 4 of said county in amounts equal to the respective amounts of road bonds outstanding against such included road districts respectively, and for the purpose of the purchase and construction of district roads therein, and for the purpose of the further construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof when

authorized by a two-thirds majority vote of the qualified property tax-paying voters of said district, voting at an election for that purpose, etc.; and declaring an emergency."

H. B. No. 414, "An Act amending Section 1 of Chapter 58 of the General Laws of the Forty-second Legislature, Regular Session, as amended by Chapter 97 of the General Laws of the Forty-third Legislature, Regular Session; and declaring an emergency."

H. B. No. 739, "An Act authorizing and directing the Attorney General of Texas to make such investigation and to institute and prosecute such legal proceedings or suits, or take such other action as he deems proper to protect the interest of the State of Texas in and to the waters of the Pecos River; providing for the appointment of a member of the State Board of Water Engineers as Compact Commissioner, upon request of the Attorney General, to negotiate an agreement with representatives of the State of New Mexico and the United States of America concerning the storage, division and use of the waters of the Pecos River in New Mexico and Texas; providing that member of the State Board of Water Engineers appointed Compact Commissioner shall serve without additional salary, etc.; and declaring an emergency."

H. B. No. 1038, "An Act providing for a closed season on wild deer and wild turkey in Upshur and Camp Counties for a period of five (5) years; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 670, "An Act to establish and maintain an Agricultural Experiment Station for the development of dairy, poultry and truck crops in the Thirty-fifth District of Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said Board of Directors to establish and maintain same; to accept donations of land, water and money for establishing said station

and for the operation of same; and declaring an emergency."

H. B. No. 678, "An Act requiring the Comptroller of Public Accounts to collect all State Occupation Taxes; repealing all laws in conflict therewith."

TO PROVIDE FOR ADJOURNMENT SINE DIE

Mr. Hughes offered the following resolution:

H. C. R. No. 272, To Provide for Adjournment Sine Die.

Be it resolved by the House of Representatives, the Senate concurring, That the Legislature adjourn sine die at 5:00 o'clock p. m., Thursday, July 3, 1941.

HUGHES,
McMURRY,
CATO,
HUTCHINSON,
ROARK,
SMITH of Atascosa,
MATTHEWS,
WINFREE,
WHITE,
BUNDY,
McLELLAN,
GARLAND,
DOVE,
KLINGEMAN,
THORNTON,
GANDY,
SIMPSON,
STUBBS,
TURNER,
HARGIS,
SETERFITT,
COKER,
DEEN,
MANFORD,
HUMPHREY,
AVANT,
FAVORS,
HENDERSON,
HUDDLESTON,
BRIDGERS,
HILEMAN.

The resolution was read second time.

Mr. Hughes offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 272 by inserting the date July 5th instead of July 3.

Mr. Morris offered the following

substitute for the amendment by Mr. Hughes:

Amend House Concurrent Resolution No. 272 by striking out the figure "3" and substituting the figures "15."

Mr. Hughes moved to table the substitute amendment by Mr. Morris.

The roll of the House was called and the vote announced as follows: Yeas, 60; nays, 59.

A verification of the vote was requested.

Mr. McMurry moved to dispense with the verification.

The motion was lost.

Mr. McMurry moved a call of the House pending the verification, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—58

Allen	Hughes
Avant	Humphrey
Bailey	Hutchinson
Baker	Kennedy
Brawner	Kersey
Bullock	Klingeman
Burkett	Knight
Chambers	Lehman
Connelly	Lowry
Craig	Lucas
Crossley	McCann
Daniel	McLellan
Davis	McMurry
Deen	Manford
Dickson of Bexar	Manning
Dickson of Nolan	Matthews
Donald	Murray
Dove	Pace
Duckett	Parker
Dwyer	Pevehouse
Favors	Price
Gandy	Reed of Bowie
Goodman	Ridgeway
Helpinstill	Roberts
Hileman	Sallas
Hobbs	Senterfitt
Howington	Turner
Hoyo	Wattner
Huddleston	White

Nays—58

Allison	Leyendecker
Alsup	Lock
Bray	Love
Bridgers	Lyle
Brown	McAlister
Bundy	McDonald
Carlton	McGlasson
Carrington	McNamara
Cato	Martin
Clark	Montgomery
Cleveland	Moore
Coker	Morris
Colson, Mrs.	Morse
Crosthwait	Phillips
Ellis	Reed of Dallas
Eubank	Roark
Ferguson	Shell
Files	Skiles
Fuchs	Smith of Bastrop
Hardeman	Smith of Atascosa
Hargis	Spacek
Harris of Hill	Spangler
Hartzog	Stanford
Heflin	Stinson
Henderson	Stubbs
Jones	Taylor
Kelly	Walters
Kinard	Weatherford
Lansberry	Winfree

Present—Not Voting

Markle

Absent

Bean	Huffman
Blankenship	Morgan
Boone	Rhodes
Bruhl	Sharpe
Celaya	Thornton
Evans	Vale
Fitzgerald	Voigt
Halsey	Whitesides
Hanna	

Absent—Excused

Bell	Isaacks
Benton	King
Burnaman	Little
Garland	Mills
Gilmer	Nicholson
Harris of Dallas	Rampy
Howard	Simpson

PAIRED

Mr. Bell (absent), who would vote "nay," with Mr. Markle (present) who would vote "yea."

(Mr. Reed of Dallas in the Chair.)

The Chair announced that the motion to table the substitute amendment by Mr. Morris was lost.

(Speaker in the Chair.)

Mr. Morse moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—47

Allen	Kinard
Allison	Lansberry
Alsup	Lock
Bray	Love
Brown	Lyle
Carlton	McAlister
Carrington	McDonald
Cato	McGlasson
Clark	McLellan
Cleveland	McNamara
Coker	Moore
Colson, Mrs.	Morris
Crosthwait	Morse
Ellis	Phillips
Ferguson	Reed of Dallas
Files	Shell
Hardeman	Spacek
Harris of Hill	Spangler
Hartzog	Stanford
Heflin	Stubbs
Howington	Taylor
Huddleston	Walters
Jones	Weatherford
Kelly	

Nays—68

Avant	Favors
Bailey	Fuchs
Baker	Gandy
Blankenship	Goodman
Bridgers	Halsey
Bullock	Hanna
Burkett	Hargis
Chambers	Helpinstill
Connelly	Henderson
Craig	Hileman
Crossley	Hobbs
Daniel	Hoyo
Davis	Hughes
Dickson of Bexar	Humphrey
Dickson of Nolan	Hutchinson
Donald	Kennedy
Dove	Kersey
Duckett	Klingeman
Dwyer	Knight
Eubank	Lehman

Leyendecker	Ridgeway
Lowry	Rhodes
Lucas	Roark
McCann	Roberts
McMurry	Sallas
Manford	Senterfitt
Manning	Smith of Bastrop
Matthews	Smith of Atascosa
Montgomery	Stinson
Pace	Thornton
Parker	Turner
Pevhouse	Wattner
Price	White
Reed of Bowie	Winfree

Present—Not Voting

Markle

Absent

Bean	Morgan
Boone	Murray
Bundy	Sharpe
Celaya	Skiles
Deen	Vale
Evans	Voigt
Huffman	Whitesides
Martin	

Absent—Excused

Bell	Howard
Benton	Isaacks
Brawner	King
Bruhl	Little
Burnaman	Mills
Fitzgerald	Nicholson
Garland	Rampy
Gilmer	Simpson
Harris of Dallas	

PAIRED

Mr. Markle (present), who would vote "nay," with Mr. Bell (absent), who would vote "yea."

Mr. Spacek moved that the House recess until 3:30 o'clock p. m. today.

Mr. Cato moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Kinard moved that the House adjourn until 10:00 o'clock a. m. next Thursday, June 26.

Question first recurring on the motion to adjourn until 10:00 o'clock a. m. tomorrow, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 56; nays, 58.

A verification of the vote was requested.

Mr. Manning moved a call of the House pending the verification, and the call was not seconded.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—50

Allison	Kinard
Alsup	Lansberry
Bray	Lock
Bridgers	Lyle
Brown	McAlister
Bullock	McDonald
Bundy	McGlasson
Carlton	McNamara
Carrington	Martin
Cato	Matthews
Cleveland	Montgomery
Coker	Moore
Crossley	Morris
Crosthwait	Morse
Eubank	Phillips
Ferguson	Reed of Dallas
Files	Senterfitt
Fuchs	Shell
Hardeman	Spangler
Harris of Hill	Stanford
Hartzog	Taylor
Henderson	Walters
Howington	Wattner
Jones	Weatherford
Kelly	Winfree

Nays—59

Allen	Hefin
Avant	Helpinstill
Bailey	Hileman
Baker	Hobbs
Burkett	Hoyo
Chambers	Huddleston
Colson, Mrs.	Hughes
Connelly	Humphrey
Craig	Hutchinson
Daniel	Kennedy
Dickson of Bexar	Kersey
Dickson of Nolan	Klingeman
Donald	Knight
Dove	Lowry
Duckett	Lucas
Dwyer	McCann
Ellis	McLellan
Favors	McMurry
Gandy	Manning
Goodman	Markle
Halsey	Pace
Hanna	Parker
Hargis	Pevehouse

Price	Smith of Atascosa
Reed of Bowie	Spacek
Ridgeway	Stinson
Roark	Stubbs
Roberts	Turner
Sallas	White
Smith of Bastrop	

Absent

Bean	Love
Blankenship	Manford
Boone	Morgan
Celaya	Murray
Clark	Rhodes
Davis	Sharpe
Deen	Skiles
Evans	Thornton
Huffman	Vale
Lehman	Voigt
Leyendecker	Whitesides

Absent—Excused

Bell	Howard
Benton	Isaacks
Brawner	King
Bruhl	Little
Burnaman	Mills
Fitzgerald	Nicholson
Garland	Rampy
Gilmer	Simpson
Harris of Dallas	

(Pending consideration of the verification, Mr. Hardeman occupied the Chair temporarily.)

(Speaker in the Chair.)

The Speaker announced that the motion to adjourn until 10:00 o'clock a. m. tomorrow was lost.

Question next recurring on the motion to adjourn until 10:00 o'clock a. m. next Thursday, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—54

Allen	Ferguson
Allison	Files
Alsup	Halsey
Bray	Hanna
Brown	Hardeman
Carrington	Harris of Hill
Cato	Hartzog
Cleveland	Hefin
Coker	Henderson
Crossley	Hobbs
Crosthwait	Jones
Eubank	Kelly

Kinard	Reed of Dallas
Lock	Roark
Love	Roberts
Lyle	Senterfitt
McAlister	Simpson
McDonald	Smith of Bastrop
McGlasson	Smith of Atascosa
McMurry	Spangler
McNamara	Stanford
Montgomery	Stubbs
Moore	Taylor
Morris	Voigt
Morse	Walters
Parker	Weatherford
Phillips	Winfree

Nays—61

Avant	Hughes
Bailey	Humphrey
Baker	Hutchinson
Boone	Kennedy
Bridgers	Kersey
Bullock	Klingeman
Bundy	Knight
Burkett	Lansberry
Chambers	Lehman
Colson, Mrs.	Lowry
Connelly	Lucas
Craig	McCann
Daniel	McLellan
Davis	Manford
Dickson of Bexar	Manning
Dickson of Nolan	Markle
Donald	Martin
Dove	Matthews
Duckett	Pace
Dwyer	Pevehouse
Ellis	Price
Favors	Reed of Bowie
Fuchs	Ridgeway
Gandy	Sallas
Goodman	Shell
Hargis	Spacek
Helpinstill	Stinson
Hileman	Thornton
Howington	Turner
Hoyo	White
Huddleston	

Absent

Bean	Morgan
Blankenship	Murray
Carlton	Rhodes
Celaya	Sharpe
Clark	Skiles
Deen	Vale
Evans	Wattner
Huffman	Whitesides
Leyendecker	

Absent—Excused

Bell	Harris of Dallas
Benton	Howard
Brawner	Isaacks
Bruhl	King
Burnaman	Little
Fitzgerald	Mills
Garland	Nicholson
Gilmer	Rampy

Question then recurring on the motion to recess until 3:30 o'clock p. m. today, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 54; nays, 56.

A verification of the vote was requested.

Mr. McLellan moved (as the vote was being verified) a call of the House pending the verification, and the call was duly seconded.

Mr. Morse raised a point of order on the motion by Mr. McLellan, at this time, on the ground that the call of the House is out of order in that the verification is already in process.

The Speaker sustained the point of order.

The roll of the "yeas" and "nays" was continued, and the verified vote resulted as follows:

Yeas—39

Allen	Jones
Alsup	Kelly
Baker	Lansberry
Bray	Love
Brown	McDonald
Bullock	McLellan
Bundy	Markle
Burkett	Moore
Carlton	Morse
Carrington	Pevehouse
Chambers	Reed of Bowie
Cleveland	Smith of Bastrop
Colson, Mrs.	Spacek
Crosthwait	Stanford
Ellis	Stubbs
Files	Taylor
Fuchs	Walters
Hardeman	Wattner
Huddleston	White

Nays—48

Bailey	Humphrey
Bridgers	Hutchinson
Connelly	Kennedy
Daniel	Klingeman
Davis	Knight
Dickson of Bexar	Lowry
Dickson of Nolan	Lucas
Donald	McCann
Dove	McMurry
Duckett	Manford
Dwyer	Manning
Favors	Martin
Gandy	Matthews
Halsey	Pace
Hanna	Parker
Hargis	Price
Harris of Hill	Ridgeway
Heflin	Roark
Helpinstill	Roberts
Henderson	Sallas
Hileman	Senterfitt
Hobbs	Stinson
Hoyo	Turner
Hughes	Voigt

Absent

Allison	Lock
Avant	Lyle
Bean	McAlister
Blankenship	McGlasson
Boone	McNamara
Cato	Montgomery
Celaya	Morgan
Clark	Morris
Coker	Murray
Craig	Phillips
Crossley	Reed of Dallas
Deen	Rhodes
Eubank	Sharpe
Evans	Shell
Ferguson	Skiles
Goodman	Smith of Atascosa
Hartzog	Spangler
Howington	Thornton
Huffman	Vale
Kersey	Weatherford
Kinard	Whitesides
Lehman	Winfree
Leyendecker	

Absent—Excused

Bell	Howard
Benton	Isaacks
Brawner	King
Bruhl	Little
Burnaman	Mills
Fitzgerald	Nicholson
Garland	Rampy
Gilmer	Simpson
Harris of Dallas	

The point of order was raised that there was not a quorum voting.

The Speaker sustained the point of order.

Mr. Taylor moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—20

Alsup	Love
Bray	McDonald
Bridgers	Martin
Bundy	Moore
Fuchs	Morse
Gandy	Roberts
Hanna	Smith of Bastrop
Hardeman	Taylor
Harris of Hill	Walters
Heflin	Wattner

Nays—54

Allen	Klingeman
Avant	Knight
Bailey	Lehman
Baker	Lowry
Burkett	Lucas
Chambers	McCann
Connelly	McLellan
Daniel	McMurry
Davis	Manford
Dickson of Bexar	Manning
Dickson of Nolan	Markle
Donald	Matthews
Dove	Morgan
Duckett	Pace
Dwyer	Parker
Favors	Pevehouse
Halsey	Price
Hargis	Reed of Bowie
Helpinstill	Ridgeway
Hobbs	Sallas
Hoyo	Senterfitt
Huddleston	Simpson
Hughes	Spacek
Humphrey	Stinson
Hutchinson	Stubbs
Kelly	Thornton
Kennedy	Turner

Absent

Allison	Blankenship
Bean	Brown

Bullock	Lansberry	Connelly	Lucas
Carlton	Leyendecker	Daniel	McCann
Cato	Lock	Davis	McDonald
Celaya	Lyle	Deen	McLellan
Clark	McAlister	Dickson of Bexar	McMurry
Cleveland	McGlasson	Dickson of Nolan	Manford
Coker	McNamara	Donald	Manning
Colson, Mrs.	Montgomery	Dove	Markle
Craig	Morris	Duckett	Martin
Crossley	Murray	Dwyer	Matthews
Crosthwait	Phillips	Favors	Moore
Deen	Reed of Dallas	Files	Morgan
Ellis	Rhodes	Fuchs	Morse
Eubank	Roark	Gandy	Pace
Evans	Sharpe	Goodman	Parker
Ferguson	Shell	Hanna	Pevehouse
Files	Skiles	Hardeman	Price
Goodman	Smith of Atascosa	Hargis	Reed of Bowie
Hartzog	Spangler	Harris of Hill	Ridgeway
Henderson	Stanford	Heflin	Rhodes
Hileman	Vale	Helpinstill	Roark
Howington	Voigt	Hileman	Roberts
Huffman	Weatherford	Hobbs	Sallas
Jones	White	Howington	Senterfitt
Kersey	Whitesides	Hoyo	Simpson
Kinard	Winfree	Huddleston	Smith of Bastrop
		Hughes	Smith of Atascosa
		Humphrey	Spacek
		Hutchinson	Stinson
		Jones	Stubbs
		Kelly	Taylor
		Kennedy	Thornton
		Klingeman	Turner
		Knight	Voigt
		Lehman	Walters
		Love	Wattner
		Lowry	White
			Absent
		Allison	Lansberry
		Bean	Leyendecker
		Blankenship	Lock
		Cato	Lyle
		Celaya	McAlister
		Clark	McGlasson
		Cleveland	McNamara
		Coker	Montgomery
		Colson, Mrs.	Morris
		Craig	Murray
		Crossley	Phillips
		Crosthwait	Reed of Dallas
		Ellis	Sharpe
		Eubank	Shell
		Evans	Skiles
		Ferguson	Spangler
		Halsey	Stanford
		Hartzog	Vale
		Henderson	Weatherford
		Huffman	Whitesides
		Kersey	Winfree
		Kinard	
Absent—Excused			
Bell	Gilmer		
Benton	Harris of Dallas		
Boone	Howard		
Brawner	Isaacks		
Bruhl	King		
Burnaman	Little		
Carrington	Mills		
Fitzgerald	Nicholson		
Garland	Rampy		
Mr. McMurry moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.			
Mr. Klingeman moved that the Sergeant at Arms be instructed to bring in all absent Members within the city not ill or otherwise excused.			
The motion prevailed.			
The roll of the House was called and the following Members were present:			
Mr. Speaker	Bridgers		
Allen	Brown		
Alsup	Bullock		
Avant	Bundy		
Bailey	Burkett		
Baker	Carlton		
Bray	Chambers		

Absent—Excused

Bell	Gilmer
Benton	Harris of Dallas
Boone	Howard
Brawner	Isaacks
Bruhl	King
Burnaman	Little
Carrington	Mills
Fitzgerald	Nicholson
Garland	Rampy

(Mr. Morgan in the Chair.)

(Speaker in the Chair.)

ADJOURNMENT

Mr. Stinson asked unanimous consent of the House that the House adjourn until 10:00 o'clock a. m. next Thursday, June 26.

There was no objection offered, and the House accordingly, at 3:45 o'clock p. m., adjourned until 10:00 o'clock a. m. next Thursday, June 26.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

Military Affairs: H. B. No. 1096.

State Affairs: H. B. No. 1094.

Judiciary: S. B. No. 416.

Municipal and Private Corporations: S. B. No. 500.

Game and Fisheries: S. B. No. 466.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 312, "An Act amending Article 2843 of Chapter 16 of the Revised Civil Statutes of the State of Texas, 1925, providing for a uniform free textbook system; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 261, Instructing the Enrolling Clerk of the House to make corrections in H. B. No. 161.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 259, Instructing the Enrolling Clerk of the House to change the figures "154" to "271" in H. B. No. 1038 wherever same occur.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 231, Suspending the Constitutional Rule on S. B. No. 221.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

NINETY-SEVENTH DAY

(Thursday, June 26, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Blankenship
Allison	Boone
Alsup	Brawner
Avant	Bray
Bailey	Bridgers
Baker	Brown
Bell	Bullock